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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,949

01/30/2004

Alan J. Lipton

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EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,949	<b>Applicant(s)</b> LIPTON ET AL.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 29, 31, 33-40 is/are rejected.
- 7) ☒ Claim(s) 14-28, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This is a first office action in response to application no. 10/766,949 filed on January 30 2004 in which claims 1-40 are presented for examination.

#### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is not a paragraph.

Correction is required. See MPEP § 608.01(b).

#### *Specification*

3. Claim 1 is objected to because of the following informalities: claim 1 calls for a computer readable medium comprising software. In order to conform with 35 U.S.C. 101, the examiner suggests amending the claim to "a computer-readable medium encoded with software." Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Regarding claims 1, 37, 38 and 39, Millet discloses a computer-readable medium comprising software to detect passback events, which when executed by a computer system, cause said computer system to perform operations comprising a method of defining a passback direction for a video monitored area (See Millet figs. 1 item 10, fig. 2, item 100, [0028]); accessing video collected from said video monitored area (See Millet [0030]); analyzing said video collected from said video monitored area to detect passback events in said video monitored area based on said passback direction (See

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Millet [0034-0036]); and initiating an action based on any detected passback events (See Millet [0039], lines 10-19).

As per claim 2, Millet further discloses passback direction is based on at least one of an image of the video monitored area and video of the video monitored area (See Millet [0042]).

As per claim 3, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Millet further provides a user-defined passback (See Millet [0039], lines 10-17).

As per claims 4-6, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Millet further determines the passback via a graphical user interface adapted to permit a user to draw the passback direction (See Millet [0038], lines 9-13, [0039]).

As per claim 7-8, most of the limitations of these claims have been noted in the above rejection of claim 6. In addition, Millet further discloses learning a normal direction for the monitored area based on the observation of the monitored area, and determining the passback direction based on the normal direction (See [0040-0041]). The applicant should note that the process of detecting the directional motion in order to generate

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vector frames that in turn reveal direction of movement is considered equivalent to the learning of the normal direction along with determining the passback direction.

As per claim 9-10, most of the limitations of these claims have been noted in the above rejection of claim 8. Since the processing calculates the center of mass for each activity sample frames as noted in Millet [0042-0043], and in [0051-0052] Millet detect at least 7 types of movements, it is considered inherent that one additional passback direction for at least one additional time period.

As per claims 11 and 36, Millet further discloses accessing video in real time from a video camera (See Millet [0062]).

As per claims 12-13 and 29, Millet fig. 2 shows the possibility of accessing tracks of stored video (See [0030]).

As per claim 40, most of the limitations of this claim have been noted in the above rejection of claim 39. In addition, specific hardware and software adapted to perform the accessing and analyzing are provided by Millet (See Millet fig. 2, items 110, 112, 114, and [0030] and [0055]).

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As per claims 31 and 35, Millet further discloses generating report for each passback event (See [0040]). The applicant should note that the activity sample read on monitor 103 of fig. 2 is the claimed report.

As per claim 33, Millet further initiates an action in response to passback event detected (See [0039]).

5. Claims 14-28, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zatz (US Patent Application Publication no. 2005/0033505 A1) teaches traffic surveillance and report system.

Boyette (US Patent no. 5097328) teaches apparatus and method for sensing events from a remote location.

Foote et al. (US Patent Application Publication no. 2003/0063133 A1) teaches systems and methods for providing a spatially indexed panoramic video.

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Hansen et al. (US Patent no. 6628805) teaches apparatus and method for detecting motion within an image sequence.

Lee et al. (US Patent Application Publication no.2003/0058111 A1) teaches computer vision based elderly care monitoring system.

Han et al. (US Patent no. 7148912) teaches video surveillance system in which trajectory hypothesis spawning allows for trajectory splitting and/or merging.

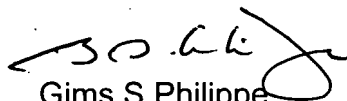
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

July 16, 2007